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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

EPIC GAMES, INC.

Plaintiff, Counter-defendant
v.

APPLE INC.,

Defendant, Counterclaimant

Case No. 4:20-cv-05640-YGR-TSH

**DECLARATION OF MARK A. PERRY IN
SUPPORT OF APPLE INC.'S STATEMENT
IN SUPPORT OF ADMINISTRATIVE
MOTION TO SEAL**

The Honorable Thomas S. Hixson

1 I, Mark A. Perry, hereby declare as follows:

2 1. I am an attorney licensed to practice in the State of California, and a member of the Bar
3 of this Court. I am a partner at the law firm Weil, Gotshal & Manges LLP, counsel of record for Apple
4 Inc. (“Apple”) in this case. I am familiar with Apple’s treatment of highly proprietary and confidential
5 information based on my personal experience representing Apple. I have personal knowledge of the
6 facts stated below and, if called as a witness, would testify competently thereto. I submit this declaration
7 in support of Apple’s Statement in Support of Administrative Motion to Seal.¹

8 2. I am aware that the law of this Circuit allows information to be filed under seal for good
9 cause or in certain compelling circumstances. I also understand that courts routinely seal filings where
10 documents include a company’s trade secrets, internal codenames, confidential research and
11 development, personally identifiable information, or other commercially sensitive information. I
12 understand that this Court has broad latitude to prevent the public disclosure of these categories of
13 commercially sensitive information.

14 3. Apple operates in an intensely competitive environment. Apple has serious and
15 legitimate concerns that competitors will be quick to capitalize on any release of Apple’s highly sensitive
16 information in order to gain competitive advantage. As such, Apple takes extensive measures to protect
17 the confidentiality of its information.

18 4. Apple has carefully reviewed Exhibit A to Epic Games, Inc.’s Administrative Motion to
19 Consider Whether Another Party’s Material Should Be Sealed Pursuant to Civil Local Rule 79-5 (“Epic’s
20 Motion”) (Dkt. 1247), and now proposes to partially seal information therein that, if disclosed, could
21 harm Apple’s competitive business interests and reveal personally identifiable information.

22 5. Exhibit A contains non-public information about Apple’s use of certain confidential
23 codenames related to new product developments. Public disclosure would reveal Apple’s internal
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26 ¹ Courts in the Ninth Circuit routinely grant motions to seal based on declarations of counsel. *See*,
27 *e.g.*, *In re Apple Securities Litigation*, 19-cv-02033-YGR, Dkt. 223 (N.D. Cal.); *In re Qualcomm Litig.*,
No. 17-cv-00108-GPC, Dkt. 398-1 (S.D. Cal. Mar. 26, 2018); *Avago Techs. U.S. Inc. v. Iptronics Inc.*,
No. 10-cv-02863-EJD, Dkt. 544 (N.D. Cal. Apr. 3, 2015); *Cisco Sys., Inc. v. OpenTV Inc.*, No. 13-cv-
00282-EJD, Dkt. 76 (N.D. Cal. Oct. 8, 2013). If the Court deems this declaration insufficient, Apple
28 respectfully requests that it be permitted to file a further declaration supporting filing under seal.

1 business decision-making, which could be used by competitors to gain an unfair competitive advantage
2 over Apple. Exhibit A also contains personally identifiable information in the form of email addresses
3 of Apple employees. Apple has narrowly-tailored its sealing request as to maximize the public's access
4 to court documents without jeopardizing Apple's business interests. The remainder of the exhibit
5 remains unredacted.

6 6. Below is a chart detailing the portions of the exhibit sealable for the reasons explained
7 herein, as well as in Apple's statement.

8 Portion of Document Sought to be Sealed	Document Title	Reason to Seal
9 Redacted email addresses	Exhibit A	Reflects personally identifiable information
10 Redacted project codenames	Exhibit A	Reflects non-public Apple business strategy

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14 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and
15 correct. Executed this 25th day of February 2025, in Oakland, California.

16
17 Dated: February 25, 2025

Respectfully submitted,

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19 By: /s/ Mark A. Perry

20 Mark A. Perry
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